

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-96
Final DTV Table of Allotments,)	RM-11537
Television Broadcast Stations.)	
(Boise, Idaho))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 31, 2009

Released: September 1, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Fisher Broadcasting – Idaho TV, L.L.C. (“Fisher”), the licensee of KBCI-DT, channel 28, Boise, Idaho. Fisher requests the substitution of channel 9 for channel 28 at Boise. Fisher filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.

2. We believe the public interest would be served by substituting channel 9 for channel 28 at Boise. Fisher states that the station’s authorized post-transition operation on digital channel 28 does not provide service to all of the persons who received analog service from its allotted analog channel 2 facility. According to Fisher, the proposed channel substitution will allow it to restore service to over 12,669 persons who are unable to receive service from KBCI-DT’s operation on channel 28

3. DTV channel 9 can be substituted for DTV channel 28 at Boise, Idaho, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 43-45-21 N. and 116-05-54 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission’s rules with the following specifications:²

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop (thous.)
Boise, Idaho	9	25	862	559

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures Act.³ An expedited effective date is necessary in this case to ensure that station KBCI-DT can restore service to former analog viewers as quickly as possible.

¹ *Boise, Idaho*, DA 09-1579 (released July 23, 2009).

² 47 C.F.R. §§ 73.616 and 73.623.

³ 5 U.S.C. § 553(d)(3).

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Boise, Idaho	7, 9, *21, 39

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Fisher Broadcasting – Idaho TV, L.L.C. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 9 in lieu of channel 28.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau